

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS-HOUSTON

Charis L. Kelly, )  
Plaintiff, )  
vs. )  
Trans Union LLC, Ecperian Information Solution )  
LLC, Equifax Information Services LLC, )  
Firstsource Advantage LLC, Cavalry Investments )  
LLC, Direct Financial Solution, Cavalry Portfolio )  
Services, Encore Receivable Management Inc, )  
Collect America LTD, Professional Bureau of )  
Collections Inc, Drive Financial Services LP, )  
NCO financial Systems Inc, Credco IMS aka First )  
American Credco Inc, ASAP Auto Inc, Auto )  
Loan/Car Loan LLC, CAI LP/Conn's. Bank of )  
America NA, Capital One Bank NA, First )  
Premier Bank, First National Credit Card Center )  
Inc, Flatiron Financial Services, Spherion Newco )  
Inc, )  
Defendants )

CASE NO: 09-1749

**DEFENDANT FIRST PREMIER BANK'S ORIGINAL ANSWER**

Defendant, FIRST PREMIER BANK ("Defendant"), files this Original Answer to Plaintiff CHARIS L. KELLY'S ("Plaintiff") original complaint:

A. Admissions & Denials

1. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation that applies to all other defendants in this action but denies the remaining allegations, as they apply to this Defendant, in Paragraph 1 of the Complaint.
2. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 2 of the Complaint.
3. Defendant lacks sufficient knowledge or information to form a belief about the truth of Paragraphs 3 through 20 of the Complaint.
4. Defendant admits that it is a “furnisher” under the FRCA. Defendant denies all remaining allegations in Paragraph 21 of the Complaint.
5. Defendant lacks sufficient knowledge or information to form a belief about the truth of Paragraphs 22 through 25 of the Complaint.
6. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation’s and statements as to all other defendants in the paragraph labeled “Factual Allegations” but denies the allegations against this Defendant, First Premier Bank, of reporting erroneous, adverse, inaccurate, incorrect, fraudulent, or incomplete data regarding the Plaintiff.
7. Defendant lacks sufficient knowledge or information to form a belief about the truth of paragraphs 1 through 53 and 55 through 58 of the Complaint’s section titled Causes of Action.
8. Defendant denies the allegations of paragraph 54 of the section entitled Causes of Action in the Complaint and demands strict proof thereof.

**B. AFFIRMATIVE DEFENSES**

9. Defendant affirmatively pleads that Plaintiff has failed to state a claim upon which relief may be granted.

10. Defendant affirmatively pleads that at all times relevant to Plaintiff's Complaint, Defendant did not furnish unauthorized information of the Plaintiff under the FCRA and is therefore not subject to liability.

**B. Prayer**

11. For these reasons, defendant asks the court to enter judgment that plaintiff take nothing, dismiss plaintiff's suit with prejudice, assess costs against plaintiff, and award defendant all other relief the court deems appropriate.

**Respectfully submitted**

**THERING & ASSOCIATES PLLC**

**S/ Mark Thering**

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**MARK C. THERING**

**Attorney in Charge**

**Texas Bar No. 24010918**

**Southern District Bar No. 582980**

**2801 Network Blvd., Suite 820**

**Frisco, Texas 75034**

**Tel. (972) 668-7123**

**Fax. (972) 668-7143**

**Attorney for Defendant First Premier Bank**

**CERTIFICATE OF SERVICE**

I certify that on July 2, 2009 a true and correct copy of Defendant First Premier Bank's Original Answer was electronically filed with the Clerk of the Court for the Southern District of Texas via the CM/ECF system.

S/ Mark Thering

**Mark C. Thering**

Via Certified Mail and electronic mail

Charis L. Kelley

4008 Louetta Road #312

Houston, Texas 77388

Pro Se Plaintiff